



June 28, 1999

Ms. Ayesha G. Mutope-Johnson
Attorney at Law
10 Chelsea Place, Suite 210
Houston, Texas 77006

OR99-1786

Dear Ms. Mutope-Johnson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125293.

The Harris County Fresh Water Supply District No. 1-A received a request for various information, including a list that shows delinquent customers in 1998. You ask if the district should redact the names of delinquent customers. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This encompasses information protected by common-law privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information must be withheld from public disclosure under a common-law right of privacy when the information is (1) highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992).

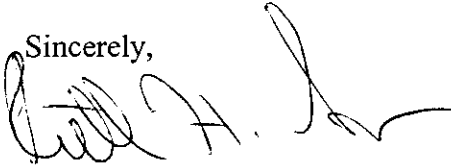
Personal financial information about individuals generally is excepted from public disclosure under the common-law privacy test, except to the extent the information reflects a transaction between that individual and the public. Open Records Decision Nos. 600 (1992). As the information at issue shows the financial transactions between customers and a public utility, the information is not protected from disclosure under common-law privacy.

We note, however, that the delinquent pay list includes customer addresses. Section 182.052 of the Utilities Code provides that a government-operated utility may not disclose an

individual customer's address, telephone number, or social security number if the customer has submitted to the utility a written request for confidentiality. You must comply with section 182.052 to the extent that it is applicable.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over the word 'Sincerely,'.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 125293

Encl. Submitted documents

cc: Mr. Milton A. Collins, Sr.
2326 Hodges
Baytown, Texas 77521
(w/o enclosures)